

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

MALCOM CONRAD ENGLE, SR.,

Plaintiff,

v.

GRANT COUNTY SHERIFF'S
OFFICE, U.S. DEPARTMENT OF
JUVENILE JUSTICE,
WASHINGTON STATE
DEPARTMENT OF CHILDREN
AND FAMILY SERVICE, SPOKANE
COUNTY SHERIFF'S OFFICE and
BRYCEN AND RACHELLE
PETERSON,

Defendants.

NO: 2:15-CV-245-RMP

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING FIRST AMENDED
COMPLAINT

BEFORE THE COURT is Magistrate Judge Hutton's Report and
Recommendation to dismiss Plaintiff's First Amended Complaint without
prejudice. ECF No. 12. Documents mailed to Plaintiff at the Grant County Jail
were returned as undeliverable on January 13, 2016, with the notation that Plaintiff

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
FIRST AMENDED COMPLAINT -- 1

1 is no longer in custody. ECF No. 13. Plaintiff has not kept the Court apprised of
2 his current address and has not filed anything further in this action.

3 In his First Amended Complaint, Plaintiff challenged events which allegedly
4 began in 1990. He claimed that his rights under the U.S. Patriot Act Section
5 26(2)(B)(ii) were violated due to royal sovereignty and diplomatic immunity. The
6 USA PATRIOT Act encompasses various statutory provisions and Plaintiff's
7 reference to "Section 26(2)(B)(ii)," without more, provides no statutory basis for
8 relief. Plaintiff threatened "war" on this country if his children were not returned
9 to him and claimed that his children were "stolen."

10 Matters involving family law/domestic relations are best deferred to the
11 state. The State has a strong interest in domestic relations; state courts have
12 relevant expertise in this area and the ability to provide ongoing supervision; and it
13 is undesirable to have potentially incompatible federal and state decrees in this
14 area. *See e.g., Ingram v. Hayes*, 866 F.2d 368, 369-70 (11th Cir. 1988) (per
15 curiam); *DiRuggiero v. Rodgers*, 743 F.2d 1009, 1019-20 (3d Cir. 1984); 13B
16 Wright & Miller, Federal Practice and Procedure § 3609, at 461 (1984).

17 There being no objections, **IT IS HEREBY ORDERED** that the Report and
18 Recommendation is **ADOPTED IN ITS ENTIRETY** and the First Amended
19 Complaint is **DISMISSED WITHOUT PREJUDICE** to Plaintiff seeking
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1 appropriate remedies regarding child custody matters in the Washington State
2 Courts.

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
4 Order, enter judgment, forward a copy to Plaintiff at his last known address and close
5 the file. The Court certifies any appeal of this dismissal would not be taken in good
6 faith.

7 **DATED** this 26th day of January 2016.

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9 *s/ Rosanna Malouf Peterson*
10 ROSANNA MALOUF PETERSON
11 Chief United States District Court Judge
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